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October 15, 2024

Via ECF

Honorable Jed S. Rakoff, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Staley et al v. Four Seasons Hotels and Resorts, et al.*
SDNY Case No. 22-CV-6781 (JSR)

Dear Judge Rakoff:

Together with Evan Brustein, Esq., and Maya Risman, Esq., I represent the plaintiffs, Selena Staley, Vivian Holmes, and Olive Ivey, and the certified classes in the above-referenced case. I am writing, in accordance with Your Honor's Order (ECF#141), dated October 4, 2024, to provide the Court with citations to the discovery record that Plaintiffs believe bear on the issue of whether there is a genuine factual dispute as to whether the delay in the Four Seasons New York's reopening is due to factors materially unrelated to the COVID-19 pandemic. Here are relevant citations:¹

- Antoine Chahwan Tr (ECF#123-1; Bromberg Decl, Ex. A) at 31:6-32:18; 33:12-34:16; 35:7-22; 41:17-23; 56:16-24; 57:16-19; 63:5-8; 69:3-71:5; 71:16-78:4; 78:22-89:25; 91:21-92:13; 93:7-94:19; 98:5-99:1; 103:13-106:12; 107:3-112:21; 142:22-146:4; 189:2-19; 201:12-209:5; 212:10-218:9; 221:6-19; 252:21-255:16; 277:11-20; 279:7-9; 289:12-14;
- Cathy Hwang 30(b)(1) Tr (ECF#96-5) at 31:17-32:18; 54:4-56:10; 88:22-89:3; 91:18-92:3; 137:18-144:23; 145:22-153:19; 164:12-165:1; 167:1-170:20; 171:10-22; 173:18-175:11; 177:12-179:11; 183:2-185:24; 197:22-199:13; 201:24-202:11; 204:11-206:20; 208:2-8; 229:21-230:24; 233:22-234:15; 263:4-265:19; 267:21-276:5; 309:6-314:13;
- Cathy Hwang 30(b)(6) Tr (ECF#112-2) at 210:2-211:6; 245:24-246:22; 257:3-259:9; 261:4-262:23; 287:6-291:16; 293:13-24; 308:7-309:13; 310:12-22; 312:14-20;
- Elizabeth Ortiz Tr (ECF#96-4) at 71:9-16; 72:1-74:3; 89:1-92:17; 101:6-101:11; 145:7-10; 184:14-23; 226:3-11; 235:16-258:2; 259:5-260:20;
- H. Ty Warner Tr (ECF#112-1) at 58:3-8; 63:21-24; 79:15-22; 201:18-204:8; 229:4-232:23; 254:13-256:25; 258:4-267:17; 269:13-272:2;

¹ Rather than providing multiple short citations on the same page or consecutive pages, some of the transcript citations are longer to provide more complete context. The citations referenced below are either to establish alternative reasons that the Hotel remained closed or to impeach the reasons that Defendants claimed that the Hotel remained closed.

- Holmes Declaration (ECF#124), ¶¶ 2, 4, and 5, and Exhibit A (ECF#124-1), Exhibit B (ECF#124-2), and Exhibit C (ECF#124-3);
- Vivian Holmes Tr (ECF#96-8) at 140:14-25; 142:12-143:11;
- WarnerDEF_002111 (ECF#123-18; Bromberg Decl, Ex. R);
- WarnerDEF_004338 (ECF#123-23; Bromberg Decl, Ex. W);
- WarnerDEF_006339-42 (ECF#123-24; Bromberg Decl, Ex. X);
- WarnerDEF_8977-82 (ECF#123-26; Bromberg Decl, Ex. Z);
- WarnerDEF_009094 (ECF#123-27; Bromberg Decl, Ex. AA);
- WarnerDEF_9108 (ECF#123-29; Bromberg Decl, Ex. CC);
- WarnerDEF_009110 (ECF#129-30; Bromberg Decl, Ex. DD);
- WarnerDEF_009122 (ECF#123-35; Bromberg Decl, Ex. II);
- WarnerDEF_9427 (ECF#123-37; Bromberg Decl, Ex. KK);
- Staley v FSR0061 (ECF#123-40; Bromberg Decl, Ex. NN);
- *Hotel 57 L.L.C. v. FSR Int'l Hotels, Inc.*, SDNY Case No. 22-CV-9331 (LLS) (available on PACER) at Document Nos. 1 & 20-3;
- *Hotel 57 L.L.C. v. FSR Int'l Hotels, Inc.*, SDNY Case No. 22-CV-9331 (LLS) (ECF#123-49; Bromberg Decl, Exhibit WW), at Document No. 4;
- Marc B. Zimmerman, Esq. Declaration (ECF#93) at ¶¶ 12, 13, and Exhibit H (ECF#93-8); and
- Cathy Hwang Decl. (ECF#98) at ¶ 28.

Plaintiffs thank the Court for its consideration of these references.

Respectfully Submitted,

/s/ Brian L. Bromberg
Brian L. Bromberg

cc: All Counsel of Record (Via ECF)